

FILED BY *JK*

DC

05 JUN 22 AM 8:23

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
AT MEMPHIS

FILED BY *JM*

D.C.

05 JUN 20 PM 12:27

Robert R. Di Trolio
CLERK, U.S. DIST. CT.
W. D. OF TN, MEMPHIS

UNITED STATES OF AMERICA

MOTION GRANTED

vs.

CHARLES LOVE

[Signature]
JON PHIPPS McALLA
U.S. DISTRICT JUDGE
June 21, 2005

Case Nos:

05-CR-20204-1-B-V

05-CR-20205-1-B-V

Robert R. Di Trolio
CLERK, U.S. DIST. CT.
W. D. OF TN, MEMPHIS

DATE

**MOTION TO WAIVE DEFENDANT'S APPEARANCE AT REPORT DATE AND
TO ALLOW DEFENDANT'S ATTORNEY TO PARTICIPATE VIA TELEPHONE
CONFERENCE & MEMORANDUM IN SUPPORT**

COMES NOW, the Defendant, Charles Love, by and through counsel, Bryan H. Hoss, and hereby requests that his appearance at the June 22, 2005 report date be waived. Additionally, the Defendant moves for his attorneys to participate via telephone conference. The Defendant's attorney resides and practices in Chattanooga, Tennessee, approximately five (5) and a half hours away. This Motion in no way affects the Defendant's rights under the Speedy Trial Act, 18 U.S.C. § 3161, et. seq.

Pursuant to local rules, the Defendant's attorney contacted the United States Attorney's Office on June 17, 2005. Assistant U.S. Attorney, Tim DiScenza was out of town. Therefore, the U.S. Attorney's Office was unable to support or oppose the motion as of the filing date.

MEMORANDUM IN SUPPORT

On June 15, 2005, Charles Love entered not-guilty pleas before Magistrate Judge Pham. Judge Pham schedule a report date, one week later for June 22, 2005 before the Honorable Judges Breen & McCalla. He further schedules a trial date on July 5, 2005. The Defendant has since filed a request for discovery.

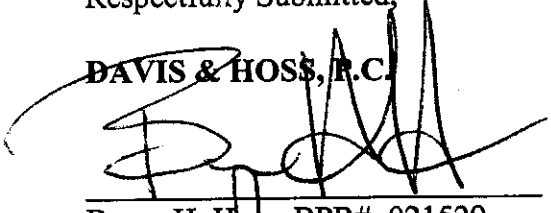
17

Mr. Love and the Defendant's counsel, Bryan Hoss, reside in Chattanooga, Tennessee, approximately five and half hours from Memphis. It will be unduly burdensome on the Defendant to require him to return to Memphis for the scheduled report date. *See* Waiver of Charles Love, attached as Exhibit 1.

The Defendant respectfully requests to waive his appearance at this report date and allow his attorney to participate via telephone conference to avoid the expense of travel to Memphis.

Respectfully Submitted,

DAVIS & HOSS, P.C.


Bryan H. Hoss, BPR# 021529
508 E. 5th Street
Chattanooga, Tennessee 37403
423-266-0605
423-266-0687-fax

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing was forwarded via U.S. Mail on this the 17 day of June, 2005, to:

Timothy R. DiScenza, Assistant U.S. Attorney
Clifford Davis Federal Building
167 N. Main Street, Suite 800
Memphis, TN 38103

William H. Farmer, Esq.
Jonathan P. Farmer, Esq.
FARMER & LUNA, PLLC
333 Union Street, Suite 300
Nashville, TN 37201


Bryan H. Hoss

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
AT MEMPHIS

UNITED STATES OF AMERICA

vs.

CHARLES LOVE

)
)
)
)
)
)
)

Case Nos.: 05-CR-20204-1-B-V
05-CR-20205-1-B-V

WAIVER OF PERSONAL APPEARANCE AT REPORT DATE

I, Charles Love, a Defendant in this case, hereby acknowledge the following:

I understand I have the right to appear personally with my attorney before a judicial officer in open Court on the above-numbered indictment. I further understand that, absent the present waiver, I must appear as directed.

I have conferred with my attorney and fully understand all of the above. I hereby waive my personal appearance to report, set for Wednesday June 22, 2005.

6-17-05
Date


CHARLES LOVE





Notice of Distribution

This notice confirms a copy of the document docketed as number 17 in case 2:05-CR-20205 was distributed by fax, mail, or direct printing on June 22, 2005 to the parties listed.

Timothy R. DiScenza
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Bryan H. Hoss
DAVIS & HOSS
508 East 5th St
Chattanooga, TN 37403

Honorable Jon McCalla
US DISTRICT COURT